

EXHIBIT B



Title IX Office

Rochester Institute of Technology
Office of Compliance and Ethics
1 Lomb Memorial Drive
Rochester, NY 14623
Tel: 585-475-7158
<http://www.rit.edu/titleix>

August 31, 2022

Marcel Koszkul
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2022004902

Dear Marcel,

This is an ammended Notice of Investigation and Allegations which reflects the charges of all three alleged incidents given the varying locations where they took place

This letter serves as a Notice of Investigation and Allegations in response to allegations received about incindnets involving you and Michelle Carney. Michelle filed a formal Title IX complaint on August 22, 2022. The complaint alleges on or around August 28, 2021 after falling asleep at your off campus residence, Michelle woke to you masturbating and you then touched her breasts, legs, between her legs and your butt. Michelle alleges she went to another party there sometime between September 4-11 and while she was extremely intoxicated, you kept trying to get her to go to your room. Despite Michelle saying no you eventually ended up in your room together. Michelle recalls being very tired and couldn't keep her head up. According to Michelle, you tried taking her pants off and did insert your fingers into her vagina without consent. You did stop when she said "I'm too drunk for this." Additionally, Michelle alleges one time after a race in early to mid October 2021, you and Michelle were at her residence at the Delta Phi Epsilon house on campus when you had vaginal intercourse with her without Michelle's consent.

Based on these allegations, you may have violated [C27.0 Policy on Title IX Sexual Harassment for Faculty, Staff and Students](#)

[D19.0 Student Gender-based and Sexual Misconduct Policy](#). The reported behavior may constitute a violation of the following provisions of the policy:

VII.21 Sexual Assault-Fondling

VII.21 Sexual Assault-Rape

III. G.1. Non Consensual Sexual Contact

III.G.2. Non Consensual intercourse

While the initial allegations are outlined in this notice, the discovery of new information as a result of the investigation may lead to additional or different policy violations, including [D 18.0 Student Code of Conduct](#) and [D 19.0 Student Gender-Based and Sexual Misconduct Policy](#) charges that may be determined by the Center for Student Conduct and Conflict Resolution.

At the conclusion of the investigation, it is RIT's sole discretion to determine which policy is used to resolve the matter based on the facts of the case.

You are presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the grievance process.

Supportive measures: Examples of supportive measures I am able to assist you with include but are not limited to, counseling; modifications of work schedules; campus escort services; mutually-agreed-upon restrictions on contact between the parties; voluntary changes in work locations; leaves of absence; increased security and monitoring of certain areas of the campus. Additionally, The [Disability Services Office](#) (DSO) has support services in place to help students and is dedicated to facilitating equitable access to the full RIT experience for students with disabilities. All services through DSO are voluntary and free of charge.

Title IX Office Meeting: I remain available to meet or talk over Email or Zoom at any time during the investigation process. During this meeting, we will review the details of the process and options for resolution.

Mutual No Contact Order: This letter is providing formal notice to you that you are not to have contact by any means with Michelle Carney until further notice. This No Contact Order prohibits communication between the parties involved, including in-person communication, through third parties, or via electronic means. If you observe Michelle Carney in a public place, it is your mutual responsibility to leave the immediate area promptly and without directly contacting each other.

It is expected that you will abide by this request, and the same goes for the other person involved. We encourage you to keep this notice on your phone for future reference.

Informal Resolution of a Formal Complaint and Mutual resolution: After the filing of a Formal Complaint, either party may request to pursue an informal resolution by submitting a written request (attached) to the Title IX Coordinator or a Deputy Title IX Coordinator. If the university, the Complainant, and the Respondent all agree that the matter is eligible for informal resolution without additional investigation, then the parties may engage in informal resolution. Informal resolution may occur only after the filing of a Formal Complaint or at any time after an investigation has commenced, either party may request to pursue an informal resolution by submitting a written request (attached) to the Title IX Coordinator. Please click [here](#) for more information.

Advocates and Advisors of Choice: All parties are entitled to an advocate or advisor of their choosing to guide and accompany them throughout the campus process. You may select or be appointed to an RIT Trained Advocate to assist you. You may select an individual to be an advisor of your choosing. Advisors of Choice can be anyone you would like to assist you in this process, including but not limited to family members and friends.

The Advocate Request Form, along with information about the difference between an advisor and an advocate, can be found [here](#). People who serve as witnesses in the case may not serve as the advisor of choice or advocate. The parties are entitled to be accompanied by their advocate or advisor in all meetings and interviews at which the party is entitled to be present including intake, interviews, hearings, and appeals.

In addition to the information listed above, I have attached a copy of a resource guide that will walk you through the Title IX process, including information about support services. It includes detailed information about the policy, as well as your rights and resources that are in place to help you.

Emotional Support: Complainants may receive emotional support from [CARES](#). Complainants or Respondents may receive emotional support from [CAPs](#) (Counseling and Psychological Services) or [NTID Counseling and Academic Advising](#).

Process

Public Safety: The Public Safety Office will conduct an investigation. You should begin to gather all evidence related to this investigation including, but not limited to, text messages, social media images, video or messages, emails, and electronic communications for presentation to the investigator. If the investigation leads to a hearing with the Center for Student Conduct and Conflict Resolution both parties are entitled to a complete review of material that will be presented in making a determination of responsibility prior to the conduct hearing. You will be given 10 calendar days to review and respond to the Evidence Packet prior to the Final Investigation Report being submitted to Student Conduct and Conflict Resolution.

Student Conduct Hearing: At the conclusion of the investigation a decision will be made if the case is to proceed to a hearing. You will have the opportunity to review the final report 10 calendar days in advance of the hearing. At the hearing, you will be able to share your perspective.

Upon conclusion of the student conduct hearing, you will receive written notice of the outcome and the appeals process.

All hearings and appeals are determined using a “Preponderance of Evidence” standard which means that, after considering all of the supporting information and documents regarding an incident, it is more likely than not that a violation of this policy occurred.

The range of outcomes includes Warning, Probation, Temporary or permanent ban from campus or specific campus locations (such as residential colleges or other RIT residential facilities), Mandatory educational programs, Ban from participating in campus organizations or campus activities, including bans on particular forms of undergraduate activities, Disqualification from future employment or student leadership positions, Withholding of transcripts, grades, diploma, or degree until after the hearing, appeal, or the sanction is complete, Transcript notations consistent with [D19.0 Student Gender-Based and Sexual Misconduct Policy](#), Separation from the university, which includes suspension, for a period of time, Revocation of admission and/or degree, or Expulsion

Withdrawal or Separation from the University: The investigation into this matter has begun, and this letter constitutes a notice of charges. If the Respondent withdraws or leaves the university during this process, whether voluntary or involuntary, a notation will be placed on the transcript stating there was a withdrawal from the university with pending charges.

Your Rights

Right to Privacy: This investigation is ongoing and RIT will take all reasonable measures to protect

your privacy and the integrity of the investigation. We will encourage all individuals involved in this process including you and Michelle Carney to keep the substance of interviews confidential in order to protect the privacy of those involved and the integrity of this process. We cannot direct anyone not to speak about their meetings but we will implore them to keep in mind that there are real people at the center of this and we think it's best to keep what we discuss between us to protect their privacy.

RIT also wants a process that campus community members will access when needed, and we think assuring as much confidentiality as possible is important for that goal.

Freedom from Retaliation: The university prohibits retaliation against any member of the RIT Community because they have filed a complaint alleging a violation of policy, have participated in the investigation process, or opposed any practice in violation of RIT policies or applicable federal, state, or local laws. Filing an intentionally false complaint of discrimination or harassment is as serious an offense as discrimination and harassment and is prohibited.

RIT is committed to maintaining a diverse and dynamic environment free from discrimination and harassment. We appreciate your patience and assistance as we work through our process.

Sincerely,

Stacy DeRooy

Director of Title IX and Clery Compliance

CC: Anthony Yazback, Assistant Director, Public Safety

Darci Lane-Williams, Assistant Director, Title IX & Clery Compliance, Compliance & Ethics

Nicole Boulais, Ph.D., Associate Vice President, Student Affairs